

Dated: August 8, 1979.
 R. H. Scarborough,
*Vice Admiral, U.S. Coast Guard Acting
 Commandant.*

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1294-71]

Approval and Promulgation of Nonattainment Plan for Michigan

AGENCY: Environmental Protection
 Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to announce the receipt of a State Implementation Plan (SIP) revision for Michigan, to discuss the results of the United States Environmental Protection Agency's (USEPA) review of that revision, and to invite public comment.

On April 25, 1979, the State of Michigan submitted to USEPA a proposed revision of its SIP pursuant to Part D of the Clean Air Act as amended in 1977. The revision applies to areas of Michigan that have not attained the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide, ozone, carbon monoxide, and particulates. As required by the Act, the purpose of this revision is to implement measures for controlling the emissions of these pollutants in nonattainment areas and to demonstrate that these measures will provide for attainment of the National Ambient Air Quality Standards as expeditiously as practicable, but no later than December 31, 1982 for the primary standards; or by December 31, 1987, under certain conditions, for ozone and carbon monoxide. The requirements for an approvable SIP are described in a Federal Register notice published on April 4, 1979 (44 FR 20372), and are not reiterated in this notice. In addition to addressing the requirements of Part D, the Michigan SIP revision incorporates certain general requirements of the Clean Air Act as amended.

DATE: Comments on this revision and on the proposed USEPA action on the revisions are due by October 12, 1979.

ADDRESSES: Copies of the SIP revision are available at the following addresses for inspection:

United States Environmental Protection
 Agency, Region V Air Programs Branch,
 230 South Dearborn Street, Chicago, Illinois
 60604.

United States Environmental Protection
 Agency, Public Information Reference Unit,
 401 M Street, SW., Washington, D.C. 20460.

Michigan Department of Natural Resources,
 Air Quality Division, State Secondary
 Government Complex, General Office
 Building, 7150 Harris Drive, Lansing,
 Michigan 48917.

WRITTEN COMMENTS SHOULD BE SENT

TO: Ms. Maxine Borcharding, SIP
 Coordinator, USEPA Region V, Air
 Programs Branch, 230 South Dearborn
 Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Ms. Maxine Borcharding, SIP
 Coordinator, USEPA Region V, Air
 Programs Branch, 230 South Dearborn
 Street, Chicago, Illinois 60604, 312/353-
 2205.

SUPPLEMENTARY INFORMATION: On
 March 3, 1978 (43 FR 8962) and October
 5, 1978 (43 FR 45993), pursuant to the
 requirements of section 107 of the Clean
 Air Act (Act), as amended in 1977,
 USEPA designated certain areas in each
 state as not meeting the National
 Ambient Air Quality Standard for total
 suspended particulates (TSP), sulfur
 dioxide (SO₂), carbon monoxide (CO),
 photochemical oxidants (ozone), and
 nitrogen dioxide (NO₂).

Part D of the Act, which was added by
 the 1977 Amendments, requires each
 state to revise its SIP to meet specific
 requirements for areas designated as
 nonattainment. These SIP revisions must
 demonstrate attainment of the primary
 National Ambient Air Quality Standards
 as expeditiously as practicable, but not
 later than December 31, 1982. Under
 certain conditions the date may be
 extended to December 31, 1987 for ozone
 and/or carbon monoxide.

On April 25, 1979, the State of
 Michigan submitted a portion of its
 revised SIP to USEPA so that the
 Agency could review the plan and
 solicit public comment on both the plan
 provisions and on USEPA's proposed
 rulemaking. The proposed SIP revision
 addresses the Clean Air Act
 requirements for a nonattainment SIP and
 some general requirements for a
 statewide SIP. Although the proposed
 regulations have been adopted by the
 Michigan Air Pollution Control
 Commission (Commission), they will not
 become effective until the completion of
 additional State administrative
 procedures. USEPA will not complete
 Federal rulemaking until all State
 procedural requirements are satisfied.
 Any substantive changes in the
 proposed SIP revision which are not
 discussed or anticipated in this Federal
 Register notice will be addressed in

supplemental notices of proposed
 rulemaking.

The measures proposed for
 promulgation today will be in addition
 to, and not in lieu of, existing SIP
 regulations. The present emission
 control regulations for any source will
 remain applicable and enforceable to
 prevent a source from operating without
 controls, or under less stringent controls,
 while it is moving toward compliance
 with the new regulations; or if it
 chooses, challenging the new
 regulations. In some instances, the
 present emission control regulations
 contained in the federally-approved SIP
 are different from the regulations
 currently being enforced by the State. In
 these situations, the present federally-
 approved SIP will remain applicable and
 enforceable until there is compliance
 with the newly promulgated and
 federally-approved regulations. Failure
 of a source to meet applicable pre-
 existing regulations will result in
 appropriate enforcement action,
 including assessment of noncompliance
 penalties. Furthermore, if there is any
 instance of delay or lapse in the
 applicability or enforceability of the
 new regulations, because of a court
 order or for any other reason, the pre-
 existing regulations will be applicable
 and unenforceable.

The only exception to this rule is in
 cases where there is a conflict between
 the requirements of the new regulations
 and the requirements of the existing
 regulations such that it would be
 impossible for a source to comply with
 the pre-existing SIP while moving
 toward compliance with the new
 regulations. In these situations, the State
 may exempt a source from compliance
 with the pre-existing regulations. Any
 exemptions granted will be reviewed
 and acted on by USEPA either as part of
 these promulgated regulations or as a
 future SIP revision.

This notice discusses USEPA's review
 of the proposed Michigan SIP in two
 parts: (1) The strategies developed by
 Michigan to meet National Ambient Air
 Quality Standards for each pollutant in
 designated nonattainment areas; and (2)
 The revisions necessitated by general
 requirements of the Clean Air Act
 Amendments.

In its review, USEPA has specified
 portions of the proposed SIP as being
 approvable and not approvable. USEPA
 has proposed conditional approval of
 the plan where there are minor
 deficiencies, and the State provides
 assurances that it will submit
 corrections on a specified schedule. The
 schedule will be negotiated between the
 USEPA Regional Office and the State

within the 60 day public comment period announced in this Notice. The negotiated schedules will be announced for public comment in a separate Notice of Proposed Rulemaking. A conditional approval will mean that the restrictions on new major source construction and/or Federal funding will not apply unless the State fails to submit the necessary revisions by the scheduled date, or if the revisions are not approved by USEPA. Conditional approvals will not be granted without strong assurance by the appropriate State official(s) that the deficiencies will be corrected by the specified date.

USEPA solicits comments on both the proposed SIP revisions and the proposed USEPA action on these revisions from all interested parties. USEPA specifically solicits public comment on the proposals for conditional approval. USEPA also encourages residents and industries in adjoining states to comment on any interstate air quality impacts of the proposed Michigan SIP revision.

I. Plan Requirements for Nonattainment Areas

In addition to the general requirements of the Clean Air Act which apply to all state implementation plan revisions, the revised plan must satisfy the requirements of Part D of the Act. The USEPA has reviewed the proposed revisions to the Michigan Implementation Plan to determine if they meet these Part D. Requirements. Specific deficiencies in meeting the Part D requirements are addressed in the sections on each pollutant.

The proposed revision is deficient overall in that it does not meet the requirements of section 172(b)(9) of the Act. This section requires, among other things, both an identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered and a summary of public comment on the analysis. The proposed revision does not include an adequate identification and analysis of the six impact areas or a summary of public comment on the analysis. To correct this deficiency, Michigan must submit the impact analyses for each pollutant and the public comment on the analyses. The deficiency must either be remedied during the 60 day comment period announced in this notice or according to a schedule negotiated between the State and the USEPA Regional Office.

Total Suspended Particulates

Part D of the Clean Air Act requires State Implementation Plans to include strategies and regulations adequate to insure attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable but not later than December 31, 1982, and in the interim, to provide reasonable further progress toward attainment through the application of reasonably available control technology (RACT). Where attainment cannot be demonstrated despite the application of reasonably available control technology to traditional sources of particulate matter, USEPA will accept as a basis for conditional approval a commitment by the State to conduct additional studies on the causes for particulate nonattainment, including the degree to which nontraditional area sources of particulate matter such as dust from construction or resuspended road dust affect air quality and to develop and to submit to USEPA additional strategies and enforceable regulations, measures, orders, etc. adequate to demonstrate attainment of the primary standards by the statutory attainment date.

Four areas of the State of Michigan, including portions of the Detroit metropolitan area, Saginaw, Flint, and Albion, have been designated as nonattainment for the primary particulate National Ambient Air Quality Standards. An additional 20 areas are designated as nonattainment for the secondary particulate standard.

To remedy its nonattainment problem, the State of Michigan has proposed amendments to Rule 336.44 which regulates statewide the emission of particulate matter; new regulations and site-specific control measures for each primary nonattainment area; and schedule for additional studies and a commitment to develop and adopt necessary control measures in secondary nonattainment areas. The details of each strategy and USEPA's preliminary assessments of approvability are discussed below.

Statewide

Rule 336.44 which regulates statewide the emission of particulate matter has been amended to include additional sources and emission limitations in its emission schedule. Under the fuel burning equipment category the schedule has been amended to include the following sources: Existing coal firing equipment with capacity less than 250 million BTU/hr burning other than pulverized coal; existing coal firing equipment with capacity greater than or

equal to 250 million BTU/hr burning other than pulverized coal; new coal firing equipment burning other than pulverized coal, regardless of size; and new sources burning combinations of fuels or fuels combined with wastes, regardless of size. Liquid waste incinerators and sewage sludge incinerators have been added as sources under the incinerator category. Coke oven preheater equipment effective after July 1, 1979 has been included under the steel manufacturing category. All new cupolas have an allowable emission rate under the ferrous cupola foundry category. Various emission rates have been assigned to asphalt paving plants located in Priority I or II areas and located outside of Priority areas. The following two new categories have been added to the schedule: fertilizer plants and exhaust systems serving material handling equipment not otherwise listed in the schedule.

USEPA has reviewed these amendments to Rule 336.44 and proposes to approve them as meeting the requirements of the Clean Air Act.

Detroit

The State of Michigan will continue to rely on the existing point source particulate regulations which it has determined constitute reasonably available control technology and has proposed new visible emission limitation regulations for coke ovens. While fugitive particulate emissions appear to be a significant contributor to nonattainment in the Detroit metropolitan area, the State has not yet developed regulations to control particulates from these sources. The submittal contains a commitment by the State to develop fugitive dust regulations for at least the primary nonattainment area in Wayne County (Detroit) by October 1, 1979. USEPA finds this approach generally acceptable with the following noted deficiencies:

1. The commitment by the State of Michigan to develop and adopt fugitive dust regulations must be accompanied by a more detailed schedule for the completion of the proposed and ongoing studies and for the adoption of additional regulations shown to be necessary to demonstrate attainment. This schedule is to be negotiated between the State and the USEPA Regional Office during the 60 day public comment period announced in this notice of proposed rulemaking. The schedule must contain projected dates for all necessary actions to be carried out by the State of Michigan prior to submittal of a SIP revision to USEPA.

*2. Michigan must specifically commit itself before final USEPA rulemaking to the development and adoption of nontraditional area source controls and point source controls more stringent than RACT if these controls are necessary to demonstrate attainment.

3. The Michigan submittal does not contain specific test methods for measurement of visible emissions from either continuous or intermittent sources of particulates. An acceptable test method or methods for these source categories must be promulgated and submitted to USEPA as a portion of the SIP.

Saginaw, Flint and Albion

The State of Michigan plans to develop specific abatement orders for individual sources, including sources of fugitive particulate emissions, that have been shown to cause or contribute to violations of the National Ambient Air Quality Standards. This approach is generally acceptable with the following noted deficiencies:

1. Where the strategy calls for control of emissions from specific sources beyond that which is required by the SIP, the necessary emission controls must be codified in a manner enforceable by the State and submitted to USEPA as a SIP revision before the State can claim emission reduction credit for controls at these facilities.

2. Industrial fugitive regulations must be applicable to all particulate nonattainment areas unless the source-specific regulations developed for these areas are sufficient to demonstrate attainment of NAAQS. The fugitive regulations should include control of particulates from storage piles, plant roads, loading and unloading operations, mineral handling and processing operations, and emissions from building openings.

Secondary Nonattainment Areas

The State of Michigan has made a commitment to conduct additional studies in all secondary nonattainment areas. The studies will include updating the point source emission inventory, adding area sources to the inventory, undertaking additional modeling, and conducting particle microscopy work. The submittal includes a schedule for completing these studies which divides the secondary nonattainment areas into four categories based on the number of samples and the magnitude of the readings exceeding the standards. The studies in each of the four categories will be completed respectively on June 30, 1979, October 30, 1980, February 28, 1981, and June 30, 1981.

In addition, the State has committed itself to develop enforceable control orders or additional emission limitations within one year of the completion of the studies in each area. A commitment is also made to attain the secondary standards within four years of the completion of the studies in each area. Thus, the secondary standards will be attained within a period between June 1984 and July 1985. USEPA proposes to approve the schedule and the commitments to analyze, select, and adopt control measures for the secondary particulate nonattainment areas on the condition that key milestones are identified for evaluating progress in the development of a SIP to attain the secondary standards.

The USEPA proposes to approve the Michigan particulate SIP if the noted deficiencies are corrected prior to USEPA's final rulemaking, or to conditionally approve the particulate SIP if the State provides USEPA with firm assurances that the deficiencies will be corrected according to schedules to be negotiated between the State and the USEPA Regional Office, during the 60 day comment period announced in this Notice of Proposed Rulemaking. The schedules must detail the steps which must be taken prior to submitting revised portions of the SIP to USEPA. If the deficiencies noted in this proposed rulemaking are not resolved during the announced comment period or if the State does not provide USEPA with the necessary assurances and schedules, USEPA will disapprove these portions of the Michigan plan in its final rulemaking.

USEPA will review conditionally approved portions of the SIP upon the receipt of State plan revisions within the negotiated or specified timeframes. These SIP revisions must contain a demonstration of attainment of the particulate National Ambient Air Quality Standard for all currently designated nonattainment areas. This demonstration must be accompanied by a compliance modeling analysis. Estimates of fugitive dust impacts must be supported by a comprehensive analysis of meteorological data, monitored air quality data, and filter analysis. A summary of the modeling analysis must be submitted. The summary should include a map identifying monitored and modeled receptor locations, and the highest predicted annual concentrations and highest and second highest concentrations predicted in the short-term analysis at all receptors on all days modeled. A description of the derivation

and use of background concentrations should be included.

Sulfur Dioxide

Michigan is relying on the sulfur dioxide (SO₂) emission limitations in its current SIP to meet the Part D requirements of the Clean Air Act. Therefore, it has not submitted any additional SO₂ regulations for review by USEPA.

Two areas of Michigan have been designated as nonattainment for the SO₂ NAAQS: A portion of Midland County surrounding the Dow Chemical Company and a portion of Ingham County surrounding one of the Lansing Board of Water and Light Generating Stations. These areas were designated nonattainment because the two sources therein are using supplementary control systems to attain NAAQS, a method clearly prohibited under Section 123 of the Clean Air Act. Michigan's plan is to require these sources to apply "constant emission control systems" for meeting the presently enforceable sulfur dioxide emission limitations. Constant emission controls will include, where necessary, increasing smoke stacks to a height representing "good engineering practice" to prevent building downwash in the vicinity of the plant. The requirements for constant emission controls will be implemented through consent orders which either have been or will be submitted to USEPA as SIP revisions. USEPA will respond to these proposed SIP revisions in separate Federal Register Notices. In USEPA's judgement the existing Michigan SIP is adequate to attain and maintain the National Ambient Air Quality Standards for sulfur dioxide when all sources are complying with the applicable rules and are utilizing constant emission controls. Therefore, no further USEPA rulemaking is necessary at this time.

Ozone

Thirty-eight counties in Michigan have been designated as nonattainment areas for ozone. On January 26, 1979 (44 FR 8220), USEPA revised the National Ambient Air Quality Standard from 0.08 parts per million (ppm) total photochemical oxidants for a maximum hourly average, to 0.12 ppm ozone for a maximum hourly average. Part D of the Clean Air Act requires states to revise their State Implementation Plan for all areas that have not attained the National Ambient Air Quality Standards. An adequate SIP for ozone is one which provides for sufficient control of volatile organic compounds (VOC) from stationary and mobile sources to provide for attainment of the standards.

For stationary sources, the plan must include, as a minimum, legally enforceable regulations reflecting the application of reasonable available control technology for those stationary sources for which USEPA has published a Control Techniques Guideline (CTG) by January 1978. For mobile sources, the plan must provide for expeditious implementation of reasonably available transportation control measures. In addition to these requirements, any SIP which provides for attainment of the ozone standard after December 31, 1982 must contain a specific schedule for the implementation of a vehicle emission control inspection and maintenance (I/M) program.

The Michigan submittal contains sections on stationary source controls, transportation plans, and vehicle inspection and maintenance.

The State of Michigan indicates in its proposed SIP revision that because of the relaxation of the ozone standard (44 FR 8220), additional time is required to develop and adopt the ozone attainment strategy portion of the SIP. Therefore, the Michigan submittal does not contain ozone design values for each nonattainment area, determination of the VOC reduction requirements for each area, or a demonstration of attainment of the ozone standard.

USEPA had stated its opinion (44 FR 20372) that the revision to the ozone standard does not affect the schedule for submittal of SIP revisions required under Part D. Section 110(a)(1) of the Act requires that SIP revisions be submitted within nine months after a standard is revised. This refers only to SIP revisions legally required because of a revision to a standard. Where a standard is relaxed, however, no SIP revision is required by law, since states may have more stringent controls than necessary if they choose. Since it is the State's option whether to relax new requirements to the 0.12 ppm level, the State may determine its own schedule for accomplishing this. In any case, a SIP at least adequate to attain the 0.12 ppm ozone standard must be approved by USEPA prior to July 1, 1979 as a precondition for the construction or modification of any major source of VOC in a nonattainment area.

For a State Implementation plan to be considered approvable, each individual element of the submittal must be approved as a revision to the SIP, and the revised SIP as a whole must satisfy the requirements of Part D of the Clean Air Act. As discussed in the following sections, USEPA has determined that specified individual elements in the stationary source regulations and

transportation plans are approvable, conditionally approvable, and disapprovable, and has proposed specific rulemaking actions with respect to those elements of the plan. If the deficiencies specifically cited below are corrected prior to USEPA final rulemaking, USEPA will approve those specified elements of the ozone portion of the Michigan SIP. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the deficiencies will be corrected according to a schedule negotiated between the State and the USEPA Regional Office during the 60 day comment period announced in this Notice of Proposed Rulemaking, USEPA will conditionally approve those specified elements of the Michigan Ozone SIP. If the State neither corrects the deficiencies nor provides the required assurances, USEPA will disapprove those specified elements of the Michigan Ozone SIP in its final rulemaking. The plan as a whole, however, contains omissions of such significance that USEPA cannot propose rulemaking on the adequacy of the entire ozone SIP at this time. USEPA will propose rulemaking upon State submission of the omitted portions of the plan.

USEPA specifically solicits public comment with respect to this approach and with respect to USEPA's proposal for rulemaking on specific elements of the stationary source regulations, transportation plans, and inspection and maintenance program. A detailed discussion of each component and USEPA proposed rulemaking is contained in the following sections.

Hydrocarbons from Stationary Sources

Section 172(b)(2) of the Clean Air Act requires the application of reasonably available control technology to stationary sources of volatile organic compounds (VOC) in nonattainment areas. The USEPA has developed Control Techniques Guidelines (CTGs) which provide information on available air pollution control techniques, and which contain recommendations of what USEPA calls the "presumptive norm" for RACT. USEPA will approve VOC RACT regulations which are marginally different from the CTGs (within 5% of the controlled emissions on a source category basis) without requiring additional technical support. Where the State regulations are not supported by the information in the CTGs, the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs.

Michigan has submitted eighteen new rules containing stationary source controls representing RACT. These rules provide emission limitations and prohibitions for existing sources of volatile organic compounds. Each new rule is briefly described below.

Rule 336.601 defines an "existing source" as any process or process equipment which has been placed in use or for which application was made to the Commission prior to July 1, 1979.

Rule 336.602 is a general provision making it unlawful for a person to cause or allow the emission of volatile organic compounds from any existing source in excess of the provisions of any rule or the maximum allowable emission limit specified in a permit, whichever is more restrictive.

Rule 336.603 requires sources to submit to the Commission either a written program for compliance with specified rules or evidence of compliance with these rules. The written program for compliance must be submitted within one year of the effective date of the rule if the final compliance date for the source is on or before December 31, 1982 or within eighteen months of the effective date of the rule if the final compliance date is after December 31, 1982. The final compliance dates are specified in the rules containing stationary source controls.

Rules 336.604 and 336.605 respectively address the requirements for the storage of organic compounds having a true vapor pressure greater than 1.5 pounds per square inch absolute (psia) but less than 11 psia, and organic compounds having a true vapor pressure of 11 psia or greater in existing stationary vessels of more than 40,000 gallons capacity.

Rule 336.606 provides requirements for loading gasoline into existing stationary vessels of more than 2000 gallons capacity at dispensing facilities handling 250,000 gallons or more per year.

Rule 336.607 contains requirements for loading gasoline into existing stationary vessels of more than 2000 gallons capacity at loading facilities.

Rule 336.608 specifies controls for loading gasoline into existing delivery vessels at loading facilities handling less than 5,000,000 gallons per year.

Rule 336.609 specified controls for loading existing delivery vessels with organic compounds having a true vapor pressure greater than 1.5 psia at loading facilities handling 5,000,000 gallons or more of such compounds per year.

Rule 336.610 specifies controls for existing coating lines including automobile and light truck coating, and

surface coating of cans, coils, large appliances, metal furniture, magnet wire, fabric, vinyl and paper.

Rules 336.611, 612, 614, 615, 616, and 617 contain requirements respectively for existing cold cleaners, existing open top vapor degreasers, existing conveyorized coal cleaners, existing conveyorized vapor degreasers, existing vacuum producing systems at petroleum refineries, and existing organic compound-water separators at petroleum refineries.

Rule 336.618 prohibits the use of cutback asphalt for paving during the period from May 1 to September 30 of each year.

USEPA has reviewed these proposed revisions to the Michigan SIP and proposes to approve as submitted Rules 336.601, 602, 604, 605, 607, 608, 609, 611, 613, 614, 615, 616, and 617. USEPA proposes to approve Rules 336.603, 606, 610, and 618 on the condition that the specified deficiencies noted below are corrected in accordance with a schedule negotiated between the State and the USEPA Regional Office during the 60 day comment period announced in this Notice.

(1) While Rule 336.603 specifies final compliance dates for sources affected by these rules, interim increments of progress are not provided. These interim increments of progress are required in 40 CFR Part 51.15. USEPA proposes to approve this rule on the condition that the State provide specific assurances that the detailed compliance schedules containing the necessary increments of progress are submitted to USEPA by not later than one year from the effective date of this rule for sources with final compliance dates prior to December 31, 1982, and by not later than 18 months from the effective date of this rule for sources with final compliance dates beyond December 31, 1982.

(2) Rule 336.606 exempts gasoline dispensing facilities in major urban areas from the requirement of a vapor balance system when loading gasoline into existing stationary vessels of more than 2,000 gallons capacity if the throughput of the facility is less than 250,000 gallons per year. The Michigan submittal does not contain technical support for this exemption. USEPA believes that vapor balance systems should be required for all existing gasoline dispensing storage tanks of 2,000 gallon capacity or more regardless of throughput. USEPA has promulgated such a requirement in the past under section 110(c) of the Clean Air Act, e.g., 40 CFR 52.336, 52.787, and 52.1144. The widespread implementation of vapor balance systems on tanks of 2,000

gallons or greater demonstrates that this control is reasonable. Therefore, although the controls required by Rule 336.606 represent RACT, the applicability of the rule is too narrow.

USEPA proposes to approve Rule 336.606 for those facilities with existing gasoline dispensing storage tanks of more than 2,000 gallon capacity and a throughput of 250,000 gallons per year or more. USEPA proposes to approve the exemption of those facilities with existing gasoline dispensing storage tanks of 2,000 gallon capacity or more and a throughput of less than 250,000 gallons per year if Michigan satisfies one of the following conditions:

1. Submits a technical support document which justifies its proposal as representing RACT.

2. Documents that the allowable emissions resulting from the proposed regulation vary no more than five percent from the allowable emissions resulting from a regulation which requires a vapor balance system on all gasoline dispensing storage tanks with a capacity of 2,000 gallons or more.

3. Makes a commitment to extend the coverage of this regulation to all gasoline dispensing facilities with storage tanks of 2,000 gallon capacity or more.

(3) Rule 336.610 establishes an emission limitation for can end sealing of 4.2 pounds of VOC per gallon of coating less water prior to December 31, 1985 and 3.7 pounds of VOC per gallon thereafter.

USEPA has developed technical support which supports RACT for can end sealing compound as 3.7 pounds of VOC per gallon of coating less water and has demonstrated that final compliance can be achieved by not later than December 31, 1982 for the source category as a whole. USEPA will approve regulations which differ only marginally from the CTG recommended RACT without requiring additional technical support. Allowable emissions within 5 percent of the CTG on a source category basis are approvable. The difference between RACT as technically supported by USEPA and the emission limitation proposed in the rule for can end sealing is greater than 5 percent. However, because can end sealing is only a subcategory of can coating, the deviation from the CTG recommended RACT for the entire category may be less than or equal to 5 percent.

USEPA proposes approval of the Rule if documentation is submitted by the close of the public comment period that the rule differs by no more than 5 percent from the RACT recommended for the can coating category. Alternatively, the State can submit

specific technical support for its definition of RACT during the public comment period.

(4) The proposed seasonal exemptions from the use of emulsion asphalt cannot be approved without additional technical support.

USEPA proposes to approve this rule on the condition that documentation is submitted by the close of the public comment period which demonstrates one of the following:

1. The rule differs by no more than 5% from the allowable emissions which would be obtained from RACT as technically supported in the CTG.

2. Temperature fluctuations occur in the months of April and October which would necessitate the use of cutback asphalt.

In addition, USEPA is soliciting comments on the following issues related to Rule 336.610:

(1) In Rule 336.610, the State of Michigan has proposed volatile organic compound emission limits for the surface coating of cans, coils, large appliances, metal furniture, magnet wire, fabric, vinyl and paper. The Rule contains two types of emission limits and requires that both are met. The first limit is based on the maximum content of VOC in any coating applied in these coating operations. The second limit is based on a daily weighted average of all gallons of coatings applied during any 24 hour period. The CTG emission limits for these coating operations do not address the issue of averaging time.

For the surface coating of coils, magnet wire, fabric, and paper, the proposed Michigan maximum content and daily weighted average emission limits are identical and reflect the limits supported in the CTG. For vinyl surface coating, the proposed Michigan maximum content and daily weighted average emission limits are identical but do not reflect the limits supported by the CTG. The limits proposed by Michigan for vinyl surface coating operations are discussed below. For the surface coating of cans, large appliances and metal furniture, the proposed Michigan maximum content and daily weighted average emission limits are different. The maximum content limits are as much as 10% greater than the CTG limits for these categories. The daily weighted average emission limitations for these categories, however, reflect the limits supported by the CTG.

USEPA specifically solicits comment on the use of these two limits for the surface coating operations covered by this rule.

(2) Rule 336.610 also contains plant by plant schedules for compliance with the

RACT emission limits for automobile and light duty truck coating lines. These schedules contain interim increments of progress leading to compliance with the volatile organic compound RACT regulations between December 31, 1982 and December 31, 1986. The schedules for General Motors Corporation and Chrysler Corporation are based on plans developed by these corporations to comply nationally with RACT requirements for automobile and light duty truck assembly plants.

USEPA has reviewed these plans as well as information in the submittal relating to the Ford Motor Company plants in Michigan and has determined that the schedules are as expeditious as practicable. USEPA specifically solicits public comment on the proposed compliance timetable in the automobile and light duty truck VOC-RACT regulations.

(3) Finally, Rule 336.610 proposes a vinyl coating limit of 4.5 pounds of VOC per gallon coating (minus water) as applied. This limit represents a site specific RACT determination for the Ford Motor Company vinyl coating plant in Mt. Clements, Michigan.

USEPA has reviewed the data which the State considered in making this determination and has noted a number of discrepancies concerning the data. These discrepancies relate to the density of the coatings and the percent of solids by volume contained in the coatings. In addition, USEPA questions the appropriateness of the information supplied in this determination in light of other information from plants engaged in the coating of automobile and industry related vinyl products. A detailed discussion of the discrepancies is contained in a technical memorandum in the docket on this proposed SIP revision.

USEPA is specifically soliciting comments from all interested parties in order to resolve the discrepancies in the data and to determine the reasonableness of this RACT determination.

Transportation Plans

The proposed Michigan SIP revision on transportation addresses the urban areas of Detroit, Flint, Grand Rapids, and Lansing for the attainment and maintenance of the ozone standard and the urban areas of Detroit and Saginaw for attainment and maintenance of the carbon monoxide standard.

USEPA has evaluated the transportation plan using the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979 Federal Register [44

FR 20372], the "USEPA-USDOT Transportation-Air Quality Planning Guidelines" and the USEPA Office of Transportation and Land Use Policy "Checklist for Transportation SIP's".

The chapter of the SIP which will individually evaluate the four urban nonattainment areas and develop a control program for ozone has not yet been submitted by the State. As discussed above under the section on "Ozone", the Michigan submittal does not contain ozone design values for each nonattainment area, a determination of the VOC reduction requirements for each nonattainment area, or a demonstration of attainment of the ozone standard.

The submittal does contain an adequate description of the project programming process which describes the steps involved in the identification, evaluation, selection, adoption and implementation of specific transportation control strategies. This description of the general transportation control strategies planning process is adequate to identify and follow the steps involved in the planning process. In addition, the submittal does include an adequate identification of estimated financial resources necessary to carry out the process described by the guidelines. USEPA proposes to approve these two areas of the Michigan SIP revision on transportation.

USEPA has determined, however, that the transportation portion of the Michigan SIP contains such significant omissions that rulemaking cannot be proposed at this time. Upon submission of the omitted portions of the plan, USEPA will evaluate the adequacy of the proposed State transportation plan and propose rulemaking. As previously stated, plan approval is a prerequisite for the construction or modification of any major source of VOC in a nonattainment area.

To be fully approvable, the completed transportation portion of the plan must contain the following information:

1. Identification of representative strategies from adopted TIP/TSM programs which can be implemented by 1982, approximate schedules for implementation, responsible agencies, and an approximate estimate of the emission reduction attributable to each strategy.

2. A commitment by each of the four Metropolitan Planning Organizations (MPO's) to either a schedule for using the control strategy evaluation techniques in a handbook being developed under a Transportation Systems Management (TSM) Contract, or to a schedule and process for

undertaking a comprehensive analysis of alternatives.

3. A detailed description of how the analysis of the emission control strategies which are only listed in the present submission will be undertaken.

4. Initial emission reduction targets for mobile sources.

5. A schedule for the study, adoption and final implementation of additional control strategies that are reasonably available. These control strategies are to be developed in accordance with the transportation planning process described in the appendices of the SIP submittal. The submittal does contain the list of emission control strategies to be evaluated in the future.

6. A commitment to justify any decisions not to adopt strategies listed in section 108(f) of the Clean Air Act.

7. Evidence of a continuing process for public interest group and elected official consultation and involvement in defining transportation air quality issues, establishing the planning process and developing and analyzing alternatives.

8. A formal request for an extension of the ozone and/or CO attainment dates beyond 1982, a justification of the need for any extension, and a commitment to necessary strategies to justify the extension. Although the submission includes a reasonable further progress (RFP) line for CO in the Detroit Metropolitan area, it does not contain a commitment to actions necessary to justify an extension.

Vehicle Inspection and Maintenance

Section 172(b)(11) of the Act requires the establishment of a specific schedule for the implementation of a vehicle emission control inspection and maintenance (I/M) program for those SIP revisions which demonstrate that attainment of the primary standards for carbon monoxide (CO) and/or ozone not possible in an area prior to December 31, 1982, despite the implementation of all reasonable emission control measures.

Michigan has demonstrated in the proposed SIP revision that attainment of the primary standards for CO is not possible in the Detroit metropolitan area by December 31, 1982. In addition, the Governor of Michigan indicated in his April 25, 1979 letter transmitting the proposed SIP revision that an I/M program will also be necessary for the ozone control strategy in the Detroit metropolitan area. Therefore, the State has requested an extension of the statutory deadline and has submitted its proposal for an inspection and

maintenance program for the Detroit Metropolitan area.

The proposed SIP revision contains an I/M implementation schedule consisting of two alternative compliance schedules since the State has not yet determined whether to implement a decentralized I/M program or a centralized I/M program. A centralized program would require inspection testing to be conducted at facilities owned by the State, by a contractor, or by a local or regional governmental agency. A decentralized program would require inspection testing to be conducted in private garages licensed to conduct the tests by either the State or by a local or regional agency.

Specific deficiencies in the submittal are discussed in detail below:

1. Section 172(b)(10) of the Clean Air Act requires inclusion in the SIP of written evidence that the State has adopted the necessary requirements by statute, regulation, or other legally enforceable document and has committed itself to implement and enforce the elements of the plan.

On February 24, 1978, the Administrator issued a memorandum (published at 43 FR 21673) which specified that where the necessary legal authority does not currently exist for the implementation of an I/M program, it must be obtained by the State by June 30, 1979. This memorandum stated that limited exceptions to the requirement of legal authority by June 30, 1979 may be available if the State can demonstrate that (a) there was insufficient opportunity to conduct the necessary technical analysis, and/or (b) the legislature had no opportunity to consider any enabling legislation for I/M between enactment of the 1977 Amendments and June 30, 1979. On January 24, 1979, the Regional Administrator of USEPA Region V, reaffirmed the requirements for I/M legal authority in a letter to Dr. Howard A. Tanner, Director of the Michigan Department of Natural Resources.

On April 4, 1979, in the "General Preamble for Proposed Rulemaking on Approval of State Implementation Plans for Nonattainment Areas" (44 FR 20372), USEPA substantially limited the opportunity for an extension based on insufficient opportunity to conduct necessary technical analyses. USEPA stated in that notice that "as far as USEPA is aware, the needed information is now available."

The State of Michigan has not demonstrated in its proposed SIP revision that the State has existing legal authority which would enable it to implement and enforce an I/M program.

In the absence of either a certification of adequate legal authority or an approved extension, the SIP cannot be approved. USEPA has received a request for an extension from the Governor of Michigan. This extension, if approved, will allow the State up to one additional year to certify adequate legal authority to implement and enforce an I/M program. USEPA will review the extension request to determine whether it meets the criteria discussed above. The decision to approve or disapprove the extension request will be published in the Federal Register in a supplemental notice of Proposed Rulemaking during the public comment period announced in this Notice.

2. At the time of certification of adequate legal authority the State must commit to implement and enforce the I/M program.

3. Pursuant to section 172(b)(11) of the Act, an I/M plan must contain both a legally enforceable schedule for the implementation of the plan and a commitment to the schedule by the State. The dates in the schedule should include the milestones described in a July 17, 1978 I/M Policy Memorandum by David Hawkins, Assistant Administrator for Air, Noise and Radiation. The Michigan I/M implementation schedule does not include all of these milestones. In addition to the dates already specified in the schedule, Michigan should include dates for the following milestones:

- a. Development and issuance of requests for proposal for a contractor to construct and/or operate inspection.
- b. Award contract(s) to construct and/or operate inspection facilities.
- c. Completion of facility construction.
- d. Adoption of procedures and guidelines for testing and quality control under all program options.
- e. Completion of equipment purchase.
- f. Development and adoption of cutpoints.

USEPA will find the Michigan schedule for I/M implementation acceptable if the State submits a schedule which specifies dates for the milestones in the Hawkins' policy memorandum. An acceptable schedule is a necessary part of an approvable SIP.

4. In a July 17, 1978 I/M policy Memorandum by Assistant Administrator David Hawkins, USEPA stated its policy that each State must commit itself to achieve a reduction of at least 25 percent in light duty vehicle exhaust emissions by 1987 compared to what emissions would be in the absence of I/M. A commitment to this reduction is a necessary element of an approvable

Part D SIP. Accordingly, Michigan must commit itself to such a reduction.

USEPA will approve the I/M portion of the Michigan ozone and carbon monoxide SIP if the above noted deficiencies in the plan are corrected prior to final USEPA rulemaking. The corrections must include either certification of adequate legal authority or USEPA approval of an extension request.

Carbon Monoxide

Two areas of the State of Michigan in Detroit and Saginaw Counties, were designated as nonattainment for the carbon monoxide National Ambient Air Quality Standards (NAAQS). The proposed Michigan SIP bases its control strategy for demonstrating attainment in the Detroit area on transportation control strategies which will reduce emissions from mobile sources. The control strategy for Saginaw County is based on both the control of stationary source emissions from large ferrous cupolas and mobile source emission reductions which will be obtained through the Federal Motor Vehicle Control Program.

The USEPA has reviewed Michigan's proposed attainment plan for carbon monoxide and has noted the following deficiencies:

1. The mobile source control strategies which will provide carbon monoxide emission reductions are the same transportation strategies that Michigan will rely on to attain and maintain the ozone standard. As discussed above, the State plan to attain the ozone standard has not yet been submitted to USEPA. Therefore, the proposed SIP does not contain sufficient information to allow USEPA to evaluate the computed CO emission reductions which will be obtained from mobile sources.

In a letter dated April 25, 1979, Governor Milliken formally stated the Michigan commitment to develop and submit an ozone SIP which will also contain CO emission reduction strategies by not later than July 1, 1979. Therefore, USEPA will not propose rulemaking on the Detroit CO transportation plan until the ozone submittal is received and reviewed by the USEPA Regional Office.

2. Rule 336.930 requires ferrous cupolas with melting capacity of 20 tons or more per hour located within a carbon monoxide nonattainment area to be equipped with afterburners or equivalent technology. Sections 110(a)(2)(B) and 172(b)(8) of the Clean Air Act and 40 CFR 51.15 require that each SIP contain emission limitations with legally enforceable compliance

schedules which include final compliance dates and interim increments of progress. These increments must include the date of submittal of the source's final control plan; the date by which contracts for emission control systems for process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish the emission control or process modification; the date of initiation of on-site construction for installation of the emission control equipment or process change; the date by which on-site construction or installation of emission control equipment or the process modification is to be completed; and the date by which final compliance is to be achieved. Rule 336.930 contains a date for submittal of each source's final control plan, and a date by which final compliance is to be achieved. The rule is deficient in that it does not contain the other necessary increments of progress. USEPA proposes to approve Rule 336.930 on the condition that the State provides specific assurances that detailed compliance schedules containing all of the necessary increments of progress are submitted to USEPA as SIP revisions by not later than 6 months after the effective date of this rule.

Maintenance/Malfunction Provisions

Michigan has submitted proposed Rules 336.911 and 912 as its maintenance/malfunction program. USEPA proposes to approve these regulations as submitted.

Rule 336.911 requires that at the request of the Commission, a source must prepare a malfunction abatement plan to detect, prevent, and correct malfunctions or equipment failures resulting in excessive emissions. These malfunction abatement plans must contain a complete preventive maintenance program which identifies supervisory personnel responsible for the inspection, maintenance, and repair of air cleaning devices, describes the items or conditions to be inspected and the frequency of such inspections, and identifies the major replacement parts which will be maintained in inventory. The malfunction abatement plans must also identify the operating variables which will be monitored and the procedures which will be utilized in detecting a malfunction or equipment failure. Finally, a description of the corrective procedures or operational changes that will be made in the event of a malfunction or equipment failure must be contained in the malfunction abatement plan.

The Rule specifies that malfunction abatement plans are subject to review and approval by the Commission. Failure to submit a plan or an amendment to a plan which satisfies the requirements of the Rule may result in the commission amending the plan on its own initiative.

Rule 336.912 addresses abnormal conditions and the breakdown of process or control equipment. If excessive emissions occur as a result of abnormal conditions in or breakdowns of process control equipment lasting for more than two hours, the source must notify the commission or air quality division as soon as possible. The Rule also requires the source to submit to the commission within ten days of a breakdown or an abnormal condition a written detailed report outlining the probable causes of breakdown, the duration of the violation, the remedial action taken, and the steps being taken to prevent a recurrence. These preventative steps must be included in any malfunction abatement plan required under Rule 336.911.

USEPA proposes to approve these two rules as submitted.

New Source Review

The Clean Air Act requires that each SIP accommodate growth in emissions in nonattainment areas through an emission offset program or by a planned margin for growth. Michigan has elected to use an offset approach for all pollutants except carbon monoxide.

USEPA has reviewed this proposed revision to the Michigan SIP and has determined that it is generally approvable.

The following deficiencies, however, must be corrected:

1. Although carbon monoxide is exempted from the offset provision, the submittal does not demonstrate that the SIP will provide a margin for growth in those CO nonattainment areas where stationary sources contribute to ambient violations. This deficiency may be corrected in one of two ways. The State may provide additional data during the public comment period to demonstrate that the SIP will require sufficient emission reductions to provide a margin for growth. Based on this data, the State's submission must expressly quantify the margin for growth as required by Sec. 172(b)(5) of the Act. Alternatively, the appropriate State Official(s) must provide USEPA with firm assurances that the State will develop revisions to the SIP which would require offsets for those new stationary sources of CO which would cause or exacerbate a violation of

carbon monoxide ambient air quality standards. During the public comment period announced in this Notice, the State and the USEPA Regional Office must negotiate a schedule for the completion of all necessary actions prior to submittal of a SIP revision to USEPA.

2. Section 173(1)(A) of the Clean Air Act requires a determination on the part of the permitting agency that issuance of permits to construct would not interfere with reasonable further progress toward attainment as defined under Section 171 of the Act. The proposed Michigan SIP does not specifically address this requirement. The plan, however, does require offsetting emissions equal to or in excess of 1.1 to 1 for new major sources seeking to locate in nonattainment areas, and this degree of overall emission reductions in combination with the other SIP requirements may be sufficient to insure that adequate progress toward attainment will be made. To correct this deficiency the State must provide USEPA with a procedure for determining that reasonable further progress is being achieved. The procedure must be submitted during the public comment period announced in this notice of proposed rulemaking. Alternatively, USEPA will accept firm assurances from the appropriate State Official(s) to develop such a procedure according to a schedule to be negotiated between the State and the USEPA Regional Office during the public comment period announced in this Notice.

II. General Requirements of Clean Air Act as Amended

The Michigan SIP revision submitted on April 25, 1979 addresses several requirements of the 1977 Amendments to the Clean Air Act that are not Part D requirements. Although incorporation of these provisions is required by law, failure to achieve final USEPA approval by July 1, 1979 does not trigger the economic and growth limitations associated with Part D.

Section 121—Consultation

Section 121 of the Act requires that the State provide a "satisfactory process" for consulting with local governments and Federal land managers to meet certain requirements in the development of the SIP. A satisfactory process of consultation must be included for transportation controls, air quality maintenance, preconstruction review of direct sources of air pollution, nonattainment requirements, prevention of significant deterioration, and certain compliance orders. This process must be

ongoing and in accordance with regulations promulgated by the USEPA on June 18, 1979 (44 FR 35176).

USEPA is currently reviewing the Michigan consultation process for conformance with the recently promulgated regulations. A discussion of that review and USEPA proposed action in regard to the Michigan consultation process will be contained in a supplemental notice of proposed rulemaking to be issued shortly.

Part C—Prevention of Significant Deterioration

In section 110(a)(2)(D) and Part C, the Clean Air Act establishes limitations on deterioration of air quality in those parts of the nation where the air quality is cleaner than the National Ambient Air Quality Standards. These SIP revisions were due nine months from the date of promulgation or March 19, 1979.

Michigan has submitted proposed Rules 203(2), 203(3), 205 and 231 to meet the requirements of Part C of the Clean Air Act. USEPA will address these rules in a separate Federal Register notice.

Section 110(a)(2)(K)—Permit Fees

This section requires the owner or operator of each major stationary source to pay the permitting authority, as a condition of any permit required by the Clean Air Act, a fee to cover the reasonable costs of processing an application for a permit and of implementing and enforcing the terms and conditions of the permit. Michigan has in effect Rule 366.82 which details a comprehensive air pollution surveillance fee system. USEPA proposes to approve this system as meeting the requirements of Section 110(a)(2)(K).

Section 126—Interstate Pollution

Section 126(a)(1) of the Act requires that the SIP provide for written notice to nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality Standards in that state. Except for an agreement with Canada, the Michigan SIP does not disclose procedures for the required written notice to other nearby states. During the 60 day comment period Michigan must submit a schedule to develop these procedures and to submit them to USEPA in a legally enforceable form, or USEPA will disapprove this portion of the SIP.

Section 126(a)(2) requires the State to identify existing major sources which may significantly contribute to levels of air pollution in neighboring states. On

October 31, 1977 the Chief of the Air Quality Division of the Michigan Department of Natural Resources sent letters with this information to each bordering state. USEPA proposes to approve this action as satisfying the requirement of Section 126(a)(2).

Section 127—Public Notification

Section 127 of the Act requires the SIP to contain measures for effective notification of the public on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded, to advise the public of hazards associated with such pollution and to enhance public awareness of measures which can be taken to prevent such standards from being exceeded. The Air Quality Division of the MDNR proposes to publish annually an Air Quality Report summarizing all validated air monitoring data collected in the previous calendar year. This Report will outline standards, generalized health and welfare effects and other monitoring concerns and will be mailed upon request.

In addition, the Air Quality Division proposes to distribute to major news outlets an annual article which not only lists the pollutants for which primary standards have been violated, and also contains: (1) Information regarding certain violations of ambient air quality standards for individual pollutants; (2) explanations of the primary health related standards and associated health effects for that pollutant and (3) methods by which members of the public may participate in enforcing the standards for the pollutant. Michigan has submitted Rules 1301 through 1308 to provide for notifying the public of air pollution episodes, and adoption of episode emission abatement programs, and the issuance of episode orders.

USEPA proposes to approve this Michigan SIP provision as meeting the requirements of Section 127.

Section 128—State Boards

Section 128 of the Act requires that any boards which approve permits or enforcement orders under the Act contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act; and that members of any such board adequately disclose any potential conflicts of interest. The Governor of Michigan submitted a questionnaire to the members of the Air Pollution Control Commission to determine which members could be certified as representing the public interest and as

not deriving a significant portion of their income from persons subject to permits or orders. The response to the questionnaire indicated that the majority of the board membership met the requirements of Section 128. The Governor has committed himself to having all prospective commissioners complete the questionnaire and to make appointments so that the commission will continue to represent the public interest as required by section 128 of the Act.

USEPA proposes to approve the use of the questionnaire and the commitment of the Governor as meeting the requirements of section 128 of the Act on the condition that the Governor make a further commitment, within the sixty day public comment period announced in this Notice of Proposed Rulemaking, to submit the questionnaire annually to members of the Air Pollution Control Commission and to annually submit the results to USEPA. Alternatively, the Governor or his designee must make a commitment to develop and adopt regulations assuring that the members of the Air Pollution Control Commission meet the requirements of this section.

Interested persons are invited to comment on the revised Michigan SIP and on USEPA's proposed actions. Comments should be submitted to the address listed in the front of this Notice. Public comments received on or before October 12, 1979, will be considered in USEPA's final rulemaking on the SIP. All comments received will be available for inspection at Region V Office Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations as "specialized." I have reviewed these regulations pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that they are specialized regulations not subject to the procedure requirements of Executive Order 12044.

This Notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: July 6, 1979.
John McGuire,
Regional Administrator.
[FR Doc. 79-24980 Filed 8-10-79; 8:45 am]
BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

Automated Data and
Telecommunications Service.

[41 CFR Part 101-36]

ADP Management; Annual Validation of COBOL Compilers

Correction

In FR Doc. 79-24268, appearing on page 46305 in the issue of Tuesday, August 7, 1979, the second word in the twelfth line of § 101-36.1305-1(c)(3) should read, "or".
BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Chapter I]

[75-083, 75-083a, 75-083B]

Proposals for Tank Barges To Prevent Oil Pollution

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rule making; additional public hearing.

SUMMARY: The Coast Guard intends to hold an additional public hearing in Washington, D.C. concerning the proposed design standards for tank barges to prevent oil pollution (CGD 75-083) and the proposal for existing tank barges to prevent oil pollution (CGD 75-083a). Requests were received by the Coast Guard for the additional hearing in Washington, D.C. from members of the public unable to attend the public hearing scheduled for August 2, 1979. This document grants the requests for the additional public hearing.

DATES: An additional public hearing will be held on September 5, 1979, beginning at 9 a.m. in Washington, D.C.

ADDRESSES: The additional public hearing will be held at the Department of Transportation, Nassif Building, 400 Seventh St., S.W., Room 2230, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Eugene K. Johnson, Merchant Marine Technical

Division (G-MMT-1/TP13, (202) 426-4431) or Lieutenant Commander Kenneth E. Rock, Merchant Vessel Inspection Division (G-MVI-2/TP24, (202) 426-2190) at 2100 Second Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to attend this additional hearing and present oral or written statements on CGD 75-083 or CGD 75-083a or both. CGD 75-083 was published in a notice of proposed rule making in the June 14, 1979 issue of the Federal Register (44 FR 34440). CGD 75-083a was published as an advance notice of proposed rule making in the same issue of the Federal Register (44 FR 34443). It is requested that anyone desiring to make an oral statement at this public hearing notify the Executive Secretary, Marine Safety Council (G-CMC/TP24), Room 2418, 2100 Second Street, S.W., Washington, D.C. 20590, (202) 426-1477, at least 10 days before the scheduled date. In this notification, it is requested that the approximate length of time needed for the presentation be specified. It is urged that a written summary or copy of the oral presentation be included with this notification.

(92 Stat. 1480 (Dec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391a); 49 CFR 1.46(n)(4))
R. H. Scarborough,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

August 3, 1979.

[FR Doc. 79-24991 Filed 8-10-79; 8:45 am]
BILLING CODE 49-1014-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 31, 33, 42 and 43]

[CC Docket No. 79-196; FCC 79-479]

Revision of the Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies

AGENCY: Federal Communications Commission.

ACTION: First Supplemental Notice of Proposed Rulemaking.

SUMMARY: This First Supplemental Notice of Proposed Rulemaking in the revision of the Uniform System of Accounts (USOA) for large telephone companies incorporates Bell's Functional Accounting System (FAS), a Management Information System, as an issue.

The original Notice released on July 21, 1978 proposed a cost accounting system which the Commission believes

would permit the easy and accurate determination of costs of services without special studies. This First Supplemental Notice invites comments on whether Bell's FAS is a useful cost of service accounting tool for the regulation of Bell and others, as well as whether it is a useful management tool for those other than Bell who might adopt the system.

In addition, this notice invites comments on the differences between present accounting rules and generally accepted accounting principles; it also calls for comments on the use of cost centers with more specificity than originally outlined; in addition it seeks clarification on the proposals submitted by parties for depreciation reserve and depreciation expense, as well as clarification of the general comments on account structure, required reports, and the use of accounts for jurisdictional cost separations; finally, the notice requests information on cost methodologies in use in the states and well as features thought necessary for auditability.

DATE: Comments must be received before September 17, 1979 and reply comments before October 15, 1979 for all issues other than Bell's FAS. For the latter issue comments are due November 15, 1979 and reply comments January 2, 1980.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Dr. David Chessler, Common Carrier Bureau, 202-653-7413.

Adopted: August 1, 1979.

Released: August 9, 1979.

See 44 FR 13051.

By the Commission: Commissioner Lee absent.

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